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Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

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Report of the Secretary-General

Addendum

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Information received from Member States

Canada

[Original: English and French]
[21 July 2000]

Additional Protocols

1. Canada is party to the four Geneva Conventions of 1949 and their Additional Protocols of 1977. It deposited its instrument of ratification to the Additional Protocols on 20 November 1990, and they entered into force in respect of Canada on 20 May 1991. The Protocols were implemented in Canada by the Geneva Conventions Act, R.S.C. 1985, G-3, as modified by the Act to amend the Geneva Conventions Act, the National Defence Act and the Trade Mark Act, S.C.1990, ch. 14.

Measures taken to strengthen the existing body of international humanitarian law

The Canadian National Committee for Humanitarian Law

2. The Canadian National Committee for Humanitarian Law (Committee) was established on 18 March 1998 following a recommendation of the 26th International Conference of the Red Cross and Red Crescent.

3. The Committee is composed of core members from the Departments of Foreign Affairs and International Trade, National Defence, Justice, the Canadian International Development Agency, Solicitor General Canada (as represented by the Royal Canadian Mounted Police (RCMP)), and the Canadian Red Cross Society. Other members may be selected on an interim basis by the core members, as required for particular projects. They could be representatives of other federal government departments like Heritage Canada, the Privy Council Office, Elections Canada, Citizenship and Immigration Canada, representatives of provincial departments of Education, or academics specializing in international humanitarian law.

4. The mandate of the Committee is to facilitate the implementation of international humanitarian law in Canada, including the Geneva Conventions and the Additional Protocols. The major functions of the Committee are to:

(a) Consider and, when appropriate, recommend the ratification of legal instruments pertaining to international humanitarian law;

(b) Coordinate the implementation of obligations under international humanitarian law;

(c) Provide advice on dissemination and training of international humanitarian law in Canada;

(d) Coordinate and stimulate the actions of governmental departments and other relevant organizations to strengthen compliance with and enhance the dissemination of international humanitarian law;

(e) Examine and, when appropriate, recommend measures to promote the national implementation of international humanitarian law in the domestic law in other countries, drawing on the resources and expertise available in Canada;

(f) Maintain an updated list of experts in international humanitarian law and share information on international humanitarian law with other national committees and the International Committee of the Red Cross.

Incorporation of international humanitarian law into laws and regulations

The Crimes against Humanity and War Crimes Act and the Rome Statute on the International Criminal Court

5. Canada was the first country to introduce comprehensive implementation legislation incorporating the provisions of the Rome Statute of the International Criminal Court[1] into domestic law. This legislation, the Crimes Against Humanity and War Crimes Act, received Royal assent on 29 June 2000. On 7 July 2000, Canada ratified the ICC Statute.

The National Defence Act

6. Canada amended its National Defence Act to entrench into law the policy of Canadian Forces precluding persons under the age of 18 being deployed into areas where hostilities are taking place. This amendment came into effect on 29 June 2000.

The Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts

7. On 7 July 2000, Canada ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,[2] which set new standards on the involvement of children in armed conflicts. Canada was not only the first State to sign the Optional Protocol but also the first to ratify it.

The Anti-Personnel Mines Convention Implementation Act

8. The legislation implementing the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction,[3] the Anti-Personnel Mines Convention Implementation Act received Royal assent on 27 November 1997. The Act prohibits the development, production, acquisition, possession, transfer, stockpiling and placement of anti-personnel mines and requires the Government of Canada to destroy anti-personnel mines stockpiled by Canada (although the destruction of stockpiles had been completed before the Act was approved by Parliament).

The Convention on the Prohibition of the Use, Stockpiling, Production and Anti-Personnel Mines and on Their Destruction

9. Canada was the first country to ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. It ratified on 3 December 1997, the same day it signed.

The Revised Landmines Protocol of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects

10. On 5 January 1998, Canada acceded to the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and other Devices (Protocol II),[4] annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, after ensuring that its legislation was already in conformity with the principles stated in the Convention.

The Convention for the Protection of Cultural Property in the Event of Armed Conflict

11. On 11 December 1998, Canada acceded to the Convention for the Protection of Cultural Property in the Event of Armed Conflict,[5] after ensuring that its legislation was already in conformity with the principles stated in the Convention.

Extradition Act

12. On 17 June 1999, amendments to the Extradition Act received Royal assent. The amendments assist Canada in combating impunity by allowing Canada to extradite persons to States as well as to international criminal tribunals, such as the International Criminal Tribunals for the Former Yugoslavia and for Rwanda, and the International Criminal Court, once it is established.

Regulations concerning the International Criminal Tribunal for the Former Yugoslavia

13. In July 1999, responding to the arrest warrant against President Milosevic and others, Canada enacted regulations to freeze any Canadian assets of President Milosevic and his four co-indicted government officials of the Federal Republic of Yugoslavia.

Canadian cooperation with international tribunals responsible for prosecuting serious violations of international humanitarian law

14. Canada has been at the forefront of international efforts to create the International Criminal Court and has been working to promote ratification and implementation of the Rome Statute of the Court. With a financial contribution from the Department of Foreign Affairs and International Trade's Human Security and Peace-building Program, the International Centre for Human Rights and Democratic Development (Rights and Democracy) and the International Centre for Criminal Law Reform and Criminal Justice Policy recently launched an implementation manual for the Court. The manual is designed to assist States, particularly less developed countries, in ratifying and implementing the Rome Statute. The second phase of this project will include implementation seminars in Africa and the Caribbean.

15. Canada also cooperates with the International Criminal Tribunals for the Former Yugoslavia and for Rwanda in a number of ways:

International Criminal Tribunal for the Former Yugoslavia

16. Canada has provided voluntary contributions to the Tribunal which have been used for such activities as forensic investigations, the exhumation of mass graves and for the "rules of the road" programme, which ensures that arrests of suspected war criminals by local authorities are consistent with international legal standards.

17. Canada has also provided legal and investigatory support to the Tribunal — for example, by submitting an amicus curiae brief supporting the Tribunal's jurisdiction in 1997 and seconding two RCMP crime scene analysts in 1998. In March 1999, Canada strongly supported the expansion of the mandate of the Kosovo Verification Force, the Organization for Security and Cooperation in Europe, to include information-gathering from Kosovo refugees on human rights violations by forces of the Federal Republic of Yugoslavia. Six RCMP officers were among those gathering evidence in Albania. This information was passed to the Tribunal for possible use in future prosecutions. Moreover, in May 2000, Canada agreed to dispatch six teams of RCMP officers, totalling 24 experts, to assist the investigation currently conducted in Kosovo by the Office of the Prosecutor of the Tribunal.

18. In June 1999, amendments were passed to the Extradition Act and other legislation, which allow full compliance with Canada's obligations to the Tribunal. In the same month, in response to requests from the Tribunal, the Minister of Foreign Affairs announced Canada's willingness to provide intelligence information support to the Tribunal. Canada also provided a team of forensic experts to carry out crime scene analyses in Kosovo, in support of the work of the Tribunal. Canada subsequently provided a second team upon the completion of the mandate of the first team.

19. The Canadian Forces also provides information and witnesses to the Tribunal, pursuant to arrangements which have been made by the Department of Justice on a bilateral and multilateral basis with the Tribunal.

International Criminal Tribunal for Rwanda

20. Canada has provided voluntary contributions to the International Criminal Tribunal for Rwanda. Canada has also provided other forms of assistance, such as the donation of a special collection of legal articles and publications on the law of genocide for the use of the Tribunal and its judges. In June 1999, amendments to the Extradition Act and several other statutes were adopted, permitting the extradition of indictees directly to the Tribunal. The Canadian Forces also provides information and witnesses to the Tribunal, pursuant to arrangements which have been made by the Department of Justice on a bilateral and multilateral basis with the Tribunal.

Canadian efforts to protect war-affected children

21. In keeping with its human security agenda's focus on children, Canada hosted the International Conference on War-Affected Children (Winnipeg, September 2000). Participants formulated an international plan of action to address the growing problem of children affected by armed conflict. Agencies of the United Nations, Governments, civil society and youth from all the regions of the world attended the Conference. The gathering built on the West African Conference on War-Affected Children, hosted by Canada and Ghana, which took place in April 2000 in Accra.

Canadian actions against the global scourge of anti-personnel mines

22. Canada, in cooperation with several other States and non-governmental organizations, played a leading role in realizing the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, and in ensuring its rapid entry into force. Canada views the Convention as the most appropriate framework for addressing the global scourge of anti-personnel mines and in ensuring the eventual elimination of those indiscriminate weapons.

23. In 1998, Canada established a five-year fund to support programming consistent with the aims of the Convention. So far, Canada had disbursed millions of dollars from this fund to support mine clearance and related survey activities, victim assistance and mine awareness programmes in every mine-affected region in the world. In addition, Canada has provided funding to the international non-governmental community to support sustainable activity leading to the eventual universal adoption of the new international norm suggested by the Convention.

International humanitarian law and the Canadian Forces

Manuals on international humanitarian law for the Canadian Forces

24. The Canadian Forces has recently updated some of its publications (in both English and French), which serve as references on, and training aids for, international humanitarian law. The publications are: *Law of Armed Conflict at the Operational and Tactical Level* (Office of the Judge Advocate General, 1999) and *Code of Conduct for the Canadian Forces Personnel* (Office of the Judge Advocate General, 1999).

25. The Canadian Forces is currently engaged in the preparation of two other publications, to be issued by the Office of the Judge Advocate General: *Collection of Documents on the Law of Armed Conflict (draft)* and *Canadian Forces: Law of Armed Conflict Manual (draft)*.

Training

26. Canadian Forces personnel continue to receive primary training in international humanitarian law during basic training and more extensive, intermediate training in the Law of Armed Conflict and advanced international humanitarian law, in accordance with their rank and responsibility. The secondary-level training can also take place prior to specific deployments.

27. Further, in *1999 Chief of Defence Staff Guidance of Commanding Officers*, commanding officers are directed to integrate international humanitarian law into all aspects of operations, including training and exercises.

Experts and counsellors on international humanitarian law

28. The Canadian Forces' experts and counsellors on international humanitarian law, in the Office of the Judge Advocate General, advise Canadian Forces commanders and staff officers at the strategic, operational and tactical levels and provide secondary-level training on international humanitarian law to Canadian Forces officers and non-commissioned members, in accordance with Article 82 of

Additional Protocol I. All Canadian Forces operational plans are reviewed to ensure consistency with international humanitarian law.

International humanitarian law in the new millennium

29. In February 2000, the Canadian Red Cross and the Civil Law Section of the Faculty of Law of the University of Ottawa jointly organized a Symposium on International Humanitarian Law in the New Millennium. The goal of the Symposium was to bring together experienced individuals from different walks of life to discuss and propose specific actions and initiatives that would increase the effectiveness of international humanitarian law in the future. The challenge was how to balance the changes in the nature of conflict with the existing body of international humanitarian law, and consequently, to consider possible improvements in the nature and scope of international humanitarian law. The Symposium was designed to be a platform from which a longer-term process of discussion and initiatives would be launched.

Notes

[1] A/CONF.183/9 of 17 July 1998.

[2] General Assembly resolution 263 of 25 May 2000.

[3] Concluded at Oslo on 18 September 1997.

[4] As amended on 3 May 1996.

[5] Done at The Hague on 14 May 1954.

Colombia

[Original: Spanish]
[7 July 2000]

1. The Political Constitution of Colombia, promulgated in 1991, expressly establishes the precedence of the norms of international humanitarian law in the domestic legal system in all situations. Colombia, having ratified the four Geneva Conventions on 8 November 1962, ratified Additional Protocols I and II on 1 September 1993 and 14 August 1995, respectively.

2. Pursuant to the provisions of its Constitution, the international treaties of which it is a signatory, and governmental policy on the promotion and safeguarding of human rights and the implementation of international humanitarian law, established in August 1999, Colombia is carrying out an ambitious work plan designed to:

(a) Guarantee the strictest possible compliance with the precepts of international humanitarian law by all government officials;

(b) Introduce in the domestic legal system norms penalizing violations of international humanitarian law;

(c) Disseminate the provisions of international humanitarian law and ensure respect for such law by armed non-State actors;

(d) Address the needs of the population displaced by violence;

(e) Strengthen international cooperation with a view to building national capacities to guarantee compliance with the provisions of international humanitarian law and deal with phenomena resulting from violation of its norms.

Guaranteeing the strictest possible compliance with the precepts of international humanitarian law by all government officials

Ongoing training

3. The curricula of the various military and police academies include courses in international humanitarian law and human rights. The task of training within the military is being carried out on the basis of the following criteria:

(a) All male and female members of the military receive integral training in the area of human rights and international humanitarian law;

(b) Operations personnel receive specialized training;

(c) Systematic incorporation of the norms of international humanitarian law in the planning, conduct and development of all military operations is the direct responsibility of the military command.

4. The training periods of officers and non-commissioned and high-level officers currently include an average of 90 hours of annual instruction in human rights and international humanitarian law. In addition, a minimum of 20 hours of supplementary training is included in preparatory courses for promotions, basic and advanced training courses, training courses for the general staff and higher military studies. Soldiers and marines in the training phases also receive ongoing training in

these areas. Specialized training is provided as well to operations personnel, including international and national courses, degree courses, seminars and special events. In 1999, as part of the curriculum of the officer and non-commissioned officer academies, 18 courses were offered to a total of 1,793 persons and, in the area of extracurricular activities, such as courses, seminars and degree courses, 86 courses were given to 4,976 persons.

5. Since 1997, the Government, together with the United Nations Development Programme (UNDP), has carried out a project entitled "New human rights teaching model for the military". The general aim of the project is to generate human rights teaching dynamics which contribute to the strengthening of an institutional human rights culture through the utilization of methodologies which help persons in uniform to internalize human rights principles and incorporate them in their work.

6. A culture of respect for and promotion of human rights and international humanitarian law within the military has been consolidated through the leadership of the Offices of Human Rights and of International Humanitarian Law, established in each garrison in the country. This action has resulted in a sharp decrease in complaints against the military to the government supervisory bodies.

Non-participation of minors in armed conflict

7. In December 1999, the Government, pursuant to the objective formulated in its policy on human rights and the application of international humanitarian law, prohibiting the recruitment of minors into the armed forces, ordered the dismissal of all volunteers under 18 years of age (slightly more than 1,000 minors were discharged).

8. Act No. 548 of December 1999 established that in future nobody under 18 years of age may be admitted into the ranks, even if the individual so desires and has parental permission.

9. Hence, Colombia has made major strides in this area by providing guarantees that minors will not participate in conflicts in any form; such guarantees extend beyond those recently established in the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict.

Elimination of anti-personnel mines

10. After signing the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, the Government of Colombia proposed to the Congress of the Republic that the Convention be incorporated into domestic legislation. A law to that effect was duly approved and signed by the President of the Republic in January of this year, and its applicability is currently under review by the Constitutional Court. Once the latter has issued its opinion, the Convention will be ratified.[1]

11. The Government bodies concerned are currently preparing a guideline document for the National Economic and Social Policy Council with a view to establishing an institutional framework to promote implementation of the provisions and commitments contained in the Convention.

New Military Criminal Code

12. The new Military Criminal Code, approved by the Congress of the Republic in June 1999, is an important step forward in the process of modernizing the armed forces to which the Government has committed itself. Article 3 of the new Military Criminal Code states, in particular, that three categories of acts — genocide, forced disappearances and torture — considered to be grave violations in international law, will fall exclusively in the sphere of ordinary justice and will therefore be excluded from military criminal jurisdiction. Only those offences related to the performance of military duties may be tried by the military criminal justice system. The new Military Criminal Code also strengthens provisions relating to offences against civilians.

13. The new Code includes detailed regulations on the duty to obey and on acts occurring in the performance of official duties, thereby restricting the scope of the special jurisdiction which applied to members of the State armed forces in relation to such duties.

14. The approval of this reform is extremely important and is a clear indication of the will of the State and the Government of Colombia to ensure full respect for human rights and international humanitarian law on the part of all institutions, particularly with respect to actions of the armed forces.

Characterizing as crimes acts prohibited by international humanitarian law

New Criminal Code

15. On 22 March 2000 the Congress of the Republic approved the bill on the adoption of the new Criminal Code presented to that legislative body by the Office of the Public Prosecutor.

16. The new Code adds to Colombian law a complete list of categories of criminal acts which violate international humanitarian law. These new types of crimes, in accordance with international norms, are intended to punish more severely attacks against persons and property protected by humanitarian law as well as the use of procedures prohibited by the latter.

17. To that end, homicide, bodily harm, torture and sexual abuse of persons protected by international humanitarian law are singled out as offences. Other banned acts, such as the use of unlawful methods of warfare, treachery, acts of terrorism, acts of barbarism, inhuman and degrading treatment, biological experiments, hostage-taking, illegal detention and denial of due process are also criminalized.

18. The following are also included in this law: coercion to provide military support, looting on the battlefield, failure to provide rescue and humanitarian assistance measures or hindering the same, destruction of medical-related property and facilities, the destruction or use of cultural property and places of worship, attacks against buildings and facilities containing dangerous substances, reprisals, deportation, expulsion, forced displacement of the population, failure to take measures to protect civilians, illicit recruitment and destruction of the environment.

Forced disappearance of persons, genocide and other acts which violate international humanitarian law

19. On 22 March 2000, the Congress of the Republic of Colombia approved a bill which declared the forced disappearance of persons, genocide and the forced displacement of persons to be crimes under its domestic legislation, and redefined and increased the penalties for the crime of torture.

20. The provisions on forced disappearance state that civil servants or persons acting under their authority or with their tacit approval or individuals belonging to armed groups or any other person may be guilty of that crime.

21. The provisions on genocide go beyond the definition set out in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide[2] and include political groups acting within the law but having that crime as a possible objective.

Statute of the International Criminal Court

22. On 10 December 1998 Colombia signed the Rome Statute of the International Criminal Court,[3] and it continues to participate actively in the work of the Preparatory Commission on elements of crime and rules of procedure and evidence with a view to increasing the scope of its provisions.

Promoting awareness of the provisions of international humanitarian law and ensuring its observance by non-State armed groups

23. The Government of Colombia is currently involved in wide-ranging efforts to promote awareness of the provisions of international humanitarian law, so that both those involved in the conflict and its potential victims are aware of their rights and duties during hostile actions occurring as part of the domestic armed conflict. It is being greatly assisted in those efforts by the Colombian branch of the International Committee of the Red Cross.

24. In addition, within the framework of the policy of achieving a negotiated solution to the armed conflict being pursued by the Government, it is important to point out that international humanitarian law is the second item on the agenda which is serving as the basis for discussions with the insurgent group Fuerzas Armadas Revolucionarias de Colombia (FARC-EP). Furthermore, the Ejército de Liberación Nacional (ELN), a rebel group with which preliminary contacts have been made, has publicly indicated its willingness to deal with that issue on a priority basis as a part of any future agenda for negotiations.

25. The Government also continues to make repeated appeals to those involved in the armed conflict to respect the norms of international humanitarian law. It should however be stressed that, despite such efforts, groups operating on the fringes of the law continue to commit grave violations of international humanitarian law, which unfortunately makes observance of those norms by such persons quite unreliable.

26. The State is also strengthening its capacity to prevent and combat acts which constitute a clear violation of international humanitarian law:

Measures to combat kidnapping

27. To combat kidnapping, which is one of the practices of the insurgent armed groups that most affect the civilian population and which, as a form of hostage-taking, constitutes a serious violation of international humanitarian law, the national Government has placed the Ministry of Justice in charge of the Programme for the Defence of Personal Liberty.

28. This arrangement facilitates coordination with the National Strategy for the Coexistence and Security of Citizens. The Programme is responsible for coordinating the activities of the various State agencies to combat violations of personal liberty. The Programme is also in charge of formulating a comprehensive policy and for elaborating, together with the Office of the Presidential Adviser for the Coexistence and Security of Citizens, a new policy against kidnapping, which will include a national prevention plan, a new criminal policy and measures to strengthen anti-kidnapping operations and the prison system.

29. So far in 2000, military and police units have received reports of 1,256 kidnappings and 518 cases of extortion. They have rescued 289 kidnapping victims, solved 200 cases and captured 367 kidnappers and 632 extortionists.

30. In the area of services for the families of victims, psychological assistance has been provided in 178 cases to a total of 554 persons. Legal assistance, including advice on economic, financial, work-related and property matters, has been provided in 195 cases.

Early warning systems

31. The Government, with the support of various State entities, is in the process of launching an early warning system that will serve as a risk alert mechanism for the advance detection of imminent threats of violence. This will make it possible to take timely steps to prevent the perpetration of multiple homicide against civilians and other acts of terror conducive to the forcible displacement of persons.

32. The warnings are basically an information system showing areas of vulnerability and threats at a given time and place so that the authorities and the community itself can make preparations to prevent the occurrence of violations of international humanitarian law. Preventive actions are the State's responsibility, while the community is responsible for supporting the authorities' actions and identifying the persons posing the threat.

Assistance to persons displaced by the violence

33. Forcible displacement is one of the most serious manifestations of the degradation of Colombia's internal armed conflict. It results from a lack of respect for international humanitarian law on the part of illegal armed groups, who consider certain civilians to be military targets owing to their real or presumed sympathy or collaboration with the enemy.

34. The Government is determined to consolidate a comprehensive system for assisting persons displaced by violence through an efficient scheme of coordinated responses to the needs of such persons and the implementation of a new management model involving the participation of the international community and displaced persons themselves. To this end, the National Economic and Social Policy

Council issued its document No. 3057 on 10 November 1999, containing a plan of action for assisting the displaced population under the coordination of the Social Solidarity Network, using a decentralized approach based on respect for human rights, international humanitarian law and the Guiding Principles on Internal Displacement.

35. The plan of action defines mechanisms and instruments for the prevention, protection, humanitarian assistance, return, relocation and socio-economic stabilization of the displaced population, as well as instruments for assessing information systems on forcible displacement. During the plan's development, a joint technical unit was established by the Social Solidarity Network and the Office of the United Nations High Commissioner for Refugees (UNHCR) to serve as a technical forum with expertise in the design and implementation of the required operational arrangements.

36. The Social Solidarity Network, with the valuable cooperation of various non-governmental organizations, is carrying out humanitarian assistance actions such as food aid, provision of inputs and tools for humanitarian assistance, temporary housing, support for the transport of donations and/or health care. It is also taking steps to improve conditions in temporary settlements, coordinate the return of displaced communities and arrange for the rural and urban relocation of populations which have been unable to return for safety reasons.

37. The national Government has also expressed its willingness to support the conclusion of agreements and humanitarian commitments with the illegal armed groups to ensure respect for the civilian population, peaceful communities and temporary settlements for displaced persons.

Strengthening international cooperation for national capacity-building to ensure compliance with the provisions of international humanitarian law and address the consequences of violations

38. Colombia is seeking greater cooperation with the international community to help ensure respect for international humanitarian law, successfully conclude the ongoing peace process and address the serious consequences that could result from violations of international humanitarian law, especially the harmful effects of that situation on the civilian population.

39. Accordingly, Colombia recently requested the United Nations to open in Colombia an office of the United Nations High Commissioner for Human Rights (OHCHR), whose mandate includes the provision of advice not only on human rights matters but also on international humanitarian law. It also requested the establishment in Colombia of a local UNHCR office to build national capacity to address the problem of forcible displacement of persons; that office already has two regional headquarters and is planning to open a third. Also noteworthy is the increased presence of international humanitarian non-governmental organizations, whose activities primarily involve services for persons internally displaced by the violence.

40. The national Government is taking steps to give the international community a comprehensive and understanding view of the country's humanitarian situation so that the international community may take the necessary steps of earnestly calling

upon the perpetrators of violence to abide by the provisions and principles of international humanitarian law.

Notes

[1] Colombia deposited its instruments of ratification on 6 September 2000.

[2] United Nations, *Treaty Series*, vol. 78, p. 277.

[3] A/CONF.183/9.

Finland

[Original: English]
[21 July 2000]

1. Finland adheres to most of the conventions relating to international humanitarian law and to human rights. Finland has ratified the four Geneva Conventions and the Additional Protocols I and II, and the declaration provided for in Article 90 of Protocol I was made when the Protocols were ratified.

2. The Finnish National Committee for International Humanitarian Law, which was set up by the Ministry for Foreign Affairs in December 1993 (before it operated at the level of an informal working group) continues to operate actively. The Committee is chaired by the Director of Legal Affairs of the Ministry for Foreign Affairs and includes representatives from Ministries for Foreign Affairs, the Interior, Education, Social Affairs and Health, and Defence, the General Staff (military) and the Finnish Red Cross. The mandate of the Committee covers coordination of the implementation and dissemination of the Conventions and Protocols and other international humanitarian law instruments.

3. To encourage the dissemination and full implementation of international humanitarian law, the Ministry for Foreign Affairs published in 1999 a booklet entitled "Finland and international humanitarian law" and guidelines on protection of cultural property as part of crises management.

4. In November 1999, the Ministry of Foreign Affairs organized, together with the Erik Castrén Institute of International Law and Human Rights and the Institute for Human Rights of the Åbo Akademi University, an international symposium on international humanitarian law under the title *The Post-War Peace System: The End of an Era?* A seminar on the role of the media in conflicts and in enhancing the respect of international humanitarian law is planned for November 2000.

5. Finland participated actively in the 27th International Conference of the Red Cross and Red Crescent, held in Geneva from 31 October to 6 November 1999. The report of the Conference and a Finnish translation of the Declaration and Plan of Action have been published and distributed to the relevant authorities and non-governmental organizations.

6. In addition to the activities organized or supported by the Ministry for Foreign Affairs, other institutions, such as the Finnish Red Cross, the Institute for Human Rights of the Åbo Akademi University, and the Erik Castrén Institute of International Law and Human Rights, have organized courses and seminars and issued publications relating to international humanitarian law within their fields of activity. Furthermore, the law faculties at the Universities of Helsinki, Lapland, and Turku and of the Institute for Human Rights of the Åbo Akademi University provide courses on international humanitarian law.

7. Finland is in the process of submitting more detailed information to the ICRC web page on national implementation of international humanitarian law (*http://www.icrc.org*).

8. Under the Finnish presidency of the EU, a declaration on behalf of the European Union was issued on the occasion of the fiftieth anniversary of the four Geneva Conventions (Geneva, 12 August 1999).

Panama

[Original: Spanish]
[10 August 2000]

1. Following the ratification of the Protocols Additional to the Geneva Conventions of 1949 on 18 September 1995, the Government of Panama, by Executive Decree No. 154 of 25 August 1997, established the Standing National Committee for the Implementation of International Humanitarian Law.

Activities of the Standing National Committee for the Implementation of International Humanitarian Law in 1998

2. The official inauguration of the Standing National Committee for the Implementation of International Humanitarian Law (CPDIH) took place at the Ministry of Foreign Affairs during the first quarter of 1998. The Deputy Minister for Foreign Affairs and the regional delegate of the International Committee of the Red Cross (ICRC) were among those who attended the ceremony.

Training and dissemination

3. As regards training and dissemination, the regional delegation of the ICRC, acting through the Advisory Service on International Humanitarian Law and the Panamanian Red Cross, organized a regional seminar on national measures for the implementation of international humanitarian law. The seminar was attended by representatives of Governments, international organizations, non-governmental organizations and international experts from Europe, Central America and the Caribbean and culminated in the adoption of the Panama Declaration. The Declaration recommends, inter alia, that States adopt the necessary measures to respect and ensure respect for the Geneva Conventions, in times of peace as in times of armed conflict, and recognizes the need to introduce the provisions contained in the Conventions into national legislation and the effort that some Central American and Caribbean countries have made by setting up inter-agency committees or commissions specifically in order to facilitate and coordinate international humanitarian law at the national level.

4. In October, the ICRC legal adviser gave a lecture on the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, attended by government officials and members of CPDIH.

5. ICRC and CPDIH conducted a seminar/workshop on updating the implementation of international humanitarian law and international human rights law. Representatives of the judiciary, employees of the Department of Corrections, members of CPDIH and various non-governmental organizations participated.

Meetings and other activities

6. The Chairperson and technical secretary of CPDIH convened regular and extraordinary meetings in the course of 1998 which resulted, inter alia, in:

(a) The adoption of the rules of procedure of CPDIH, which govern its internal operations;

(b) The establishment of working subcommittees on the emblem, legislation, education and dissemination, and public relations and communication, with a view to carrying out the various activities of CPDIH;

(c) The introduction, analysis and discussion of a bill on the protection and use of the Red Cross and Red Crescent emblem.

7. The Subcommittee on the Emblem drafted a bill that provides for arrangements for the protection and use of the Red Cross and Red Crescent emblem. The bill was sent to CPDIH which reviews bills relating to the Penal Code, the Code of Penal Procedure and documentation relating to serious breaches of international humanitarian law, with a view to having the arrangements incorporated into the new revised Penal Code.

8. The Subcommittee on Public Relations and Communication supported the various activities of CPDIH by providing information to the various media and seeing to the periodic publication of news and participation in televised interviews on news programmes directed at a wide audience.

Relations with the regional delegation of ICRC

9. The Advisory Service of the regional delegation of ICRC lends valuable assistance and support to CPDIH activities, providing training for the Committee members in the study of international humanitarian law, bearing in mind the specific, political and juridical needs of CPDIH.

Activities of CPDIH in 1999

10. The regional delegation of ICRC donated two computers, one printer, one scanner, Internet cards, one fax machine and a basic set of books on international humanitarian law to CPDIH.

11. The bill drawn up in 1998 for the protection and use of the Red Cross and Red Crescent emblem was under review in the office of the legal adviser, awaiting submission to the Executive.

12. Executive Decree No. 154, establishing CPDIH, was amended by Executive Decree No. 165 of 19 August 1999. The amendment added new members to CPDIH and established posts of Executive Secretary in the Ministry of Foreign Affairs and Vice-Chairperson in the Committee on Foreign Relations of the Legislative Assembly.

13. With the assistance of ICRC, the Legislative Assembly, the Embassy of Switzerland, the University of Panama, the Panamanian Red Cross, the Ministries of the Interior and of Justice, the Diplomatic Academy, and the Latin American University of Science and Technology, lectures were held on anti-personnel mines — the case of Panama; legislative steps for the implementation of international humanitarian law; the crisis in the Balkans; the importance of humanitarian principles; and the International Criminal Court.

14. Lectures and training seminars on international humanitarian law were conducted, events organized and international meetings attended.[1]

Activities of CPDIH in the first half of 2000

15. In February, a number of amendments to the rules of procedure aimed at achieving greater representativeness and ensuring more participation by the institutions involved in the Committee were adopted and approval was given to set up regional chapters of CPDIH throughout Panama.

16. CPDIH took a decision in March to promote the early ratification of the Rome Statute of the International Criminal Court,[2] the Convention for the Protection of Cultural Property in the Event of Armed Conflict,[3] the adoption into Panamanian law of the bill concerning protection of the Red Cross and Red Crescent emblem.

17. At its regular meeting, CPDIH considered the question of making international humanitarian law courses part of the training programme for police academy cadets, to replace the current short seminar on the subject. It has been agreed that a CPDIH member from the National Air Force will design a training programme with the advisory assistance of ICRC.

18. The legislative subcommittee completed its work on the elaboration of a special set of regulations to define and punish violations of international humanitarian law, war crimes and crimes against humanity in Panama and submitted the draft to CPDIH, which is currently discussing it with associations of jurists in Panama. Thereafter CPDIH will consult with the ICRC Advisory Service on International Humanitarian Law.

19. CPDIH is also preparing a seminar on the organization of regional chapters and a legislative package to be submitted to the forthcoming sessions of the Legislative Assembly. The Assembly would adopt as laws of the Republic the bill concerning the Red Cross and Red Crescent emblem, the ratification of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, the ratification of the Rome Statute of the International Criminal Court and the bill concerning war crimes and crimes against humanity.

20. Lectures and training seminars on international humanitarian law continued to be conducted in 2000, events organized and international meetings attended.[4]

21. Panama reaffirms its commitment to the 1949 Geneva Conventions and their Protocols concerning measures taken to strengthen the existing system of international humanitarian law through the dissemination of those conventions and the implementation of such law at the national level.

Notes

[1] Seminars on the legal instruments pertaining to international humanitarian law and the function of CPDIH, directed at the legal advisers of the agencies represented on the CPDIH; lecture on international humanitarian law, human rights and the Red Cross and Red Crescent emblem, directed at students, professors and administrative staff of the Institute for Higher Education; a seminar/workshop on the law in light of the modernization of juridical institutions of Panama, organized by students working towards their master's degree in law, co-sponsored by CPDIH; a course on international humanitarian law, School of International Relations, University of Panama; training days for volunteers of the Panamanian Red Cross; an exhibition "Testimony of the War" by the International Committee of the Red Cross and the Panamanian Red Crescent; a first course on human rights law and international humanitarian law for Spanish-speaking police and security instructors from Latin America and the Caribbean; a second seminar on communications media and the International Committee of the Red Cross; the Second Regional

Seminar on Measures to Implement International Humanitarian Law, San Salvador, El Salvador; and the 26th International Conference of the Red Cross and Red Crescent, Geneva, from 31 October to 6 November 1999.

[2] See A/CONF.183/9.

[3] Done at The Hague on 14 May 1954.

[4] In January a lecture entitled "International humanitarian law: Norms and legal consequences of armed conflicts" was delivered and attended by staff of the Ministries responsible for foreign affairs, youth, women, children and the family, and of the Office of the National Counsel for Administration and the Legislative Assembly. In February, a seminar/workshop on international humanitarian law was held for the training of the new members of the CPDIH who took office in January 2000. In March, lectures organized jointly by ICRC, CPDIH and the non-governmental organization Coordinadora del Desarrollo de la Mujer, on the theme of armed conflict and women, were attended by members of those institutions, civil servants and the general public. A meeting was held in March on the importance of ratifying the Rome Statute (International Criminal Court) and on violations of international humanitarian law. It was attended by representatives of ICRC, members of CPDIH, key staff of the Ministry of Foreign Affairs, the Office of the National Counsel, Office of the National Counsel for Administration, the Supreme Court of Justice, the Ministry for the Presidency and the Legislative Assembly, together with representatives of professional associations of lawyers and the members of the committee working on the revision of the Panamanian penal code. In May, in commemoration of the World Red Cross Day, the Ministry for Foreign Affairs issued press releases and a lecture was given on the emblem and movement of the International Committee of the Red Cross. The Chairperson of CPDIH attended the Wilton Park conference on international humanitarian law, entitled "Humanitarian challenges in the midst of war", held in Brighton, England, and visited the headquarters of ICRC in Geneva to coordinate future activities between the two organizations. A training workshop was held in May 2000 on international humanitarian law for professors at the University of Panama, including lectures by members of CPDIH and ICRC. In June, two lectures were given on anti-personnel mines and on displacement of victims of armed conflicts for professors and students in their last year at the School of International Relations. The University of Panama, the Canal Institute and the Ministry of Foreign Affairs, together with CPDIH, organized the Second Course on Public International Law. CPDIH was in charge of ensuring that topics relating to international humanitarian law were addressed. Printed material donated by ICRC was distributed during the course. The Chairperson of CPDIH gave an interview with the Panamanian Minister for Foreign Affairs and the ICRC regional representative for Central America and the Caribbean on a number of topics of interest to ICRC.

Romania

[Original: English]
[18 July 2000]

1. Romania ratified the Geneva Conventions of 1949 and the Additional Protocols of 1977 on 1 June 1954 and 21 June 1990, respectively, and has signed the Convention on the Prohibition of the Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction and the Rome Statute of the International Criminal Court.

Implementation of international humanitarian law

Laws

2. The Constitution of 1991 is the basis for the elaboration of all internal norms regarding international humanitarian law. In addition, the Law of National Defence provides, in Article 3, that the regulations regarding the national defence are based upon the respect of the provisions enshrined in the Constitution and the national laws, the principles of military doctrine of Romania and generally recognized norms of international law, as well as upon provisions contained in the treaties to which Romania is party.

3. Article 5 states that, in the interest of collective security and defence, in conformity with obligations assumed by Romania in the treaties, conventions and other international agreements, the participation of armed forces in military actions for peace support or with humanitarian purposes is subject to approval by the Parliament upon the proposal of the President of Romania.

4. The Law on the Statute of Military Personnel provides, in Article 8, paragraph b, that the military personnel shall not be ordered to and is under interdiction to execute acts contrary to law and customs of war and the international conventions Romania is party to. Refusal to obey orders under these circumstances does not constitute ground for criminal or civil responsibility of the subordinates.

Implementation

5. In conformity with its obligations under international agreements, the Romanian army has undertaken the following measures to implement international humanitarian law:

(a) In 1990 it established, within the framework of the General Staff, the Legal Affairs and International Humanitarian Law Office, whose main duties are to coordinate activities for dissemination and enforcement of international humanitarian law, as part of the formation and training process of officers, non-commissioned officers and soldiers; to organize courses, workshops and practical activities for training legal advisers in international humanitarian law; to elaborate documentary materials (manuals, notes and brochures) on humanitarian law for the use of commanders in instructing their subordinates; to observe the inclusion of humanitarian norms in military regulations and to cooperate with the competent government authorities and non-governmental organizations concerned in this regard;

(b) Legal affairs and international humanitarian law offices within staff services were also established in the Army, Air Force and Navy;

(c) Essays on humanitarian law are prepared and presented during monthly meetings for professional training;

(d) During military exercises, tactical situations are created and solved in compliance with international humanitarian norms;

(e) The units that take part in peacekeeping operations are specially trained in humanitarian law;

(f) The Geneva Conventions of 1949, the Additional Protocols of 1977, the Convention on the Protection of Cultural Property in the Event of Armed Conflict of 1954, the Manual on the Law of War (published by the International Committee of the Red Cross), the Essential Rules of the Law of War (summary for the use of commanders), and the Code of Conduct for Combatants were translated into Romanian and distributed to military units.

Guidelines, manuals, instructions

6. As evidence of its humanitarian traditions the Romanian army issued a compilation of orders, dispositions and instructions under the title "Provisions of the international humanitarian law and the behaviour of the Romanian military in armed conflicts, 1877-1945".

7. In 1990, by order of the Minister of National Defence, a course on international humanitarian law (20-40 hours annually) was included in the training curricula of the military institutes.

8. The training has a practical character, aimed at developing in military personnel the skills necessary to obey humanitarian law while conducting combat actions. It is organized to take into account hierarchical command levels specific to each service.

9. Humanitarian law training activities are coordinated and supervised by the General Staff through its Legal Affairs and International Humanitarian Law Office. The efficacy of the instruction in humanitarian law is assessed in yearly surveys and during tactical exercises. District examinations of the deployed humanitarian actions are also conducted on a biannual and annual basis, and improvements are introduced, as appropriate.

Legal advisers and training

10. There are legal advisers at strategic and operational levels (General Staff, staff services and at the military subordinated echelons). At the tactical levels, part-time staff officers perform this duty.

11. In terms of training, 32 officers attended courses at the International Institute of Humanitarian Law in San Remo; 24 officers attended and graduated from a course organized by the Law Faculty of the University of Bucharest and the Romanian Association for Humanitarian Law; over 800 officers attended courses organized by the General Staff in cooperation with the International Committee of the Red Cross and the Defence Institute for International Law Studies (United

States). A Romanian officer was appointed as an associate professor with the International Institute of Humanitarian Law in San Remo.

12. In every military academy, there is an officer teaching law and international humanitarian law.

Disciplinary measures

13. Provisions regarding the responsibilities of the commanders and sanctions for misbehaviour with respect to humanitarian law are stipulated in the military regulations. The Criminal Code contains provisions on crimes committed on the battlefield, the legal responsibility of commanders for their own acts and for those committed by their subordinates, and the applicable penalties.

Sweden

[Original: English]
[11 September 2000]

1. Sweden has been party to both Additional Protocols since 31 August 1979.

2. Sweden reaffirms previous comments on the Status of the Protocols made in 1994[1] and submits additional information below.

3. Sweden attaches great importance to the work on strengthening implementation of international humanitarian law and thereby the protection of persons. In view of this, an expert meeting on fundamental standards of humanity was held in Stockholm, 22-24 February 2000. The meeting was arranged by the Government of Sweden in cooperation with the Governments of Denmark, Finland, Iceland and Norway. The purpose of the meeting was to investigate whether recent developments within the relevant legal framework of the concept of fundamental standards of humanity, including international humanitarian law, have solved or will contribute to solving any of the problems of the legal protection of persons. A report of the expert meeting was submitted to the Commission on Human Rights.[2]

4. The delegation for International Humanitarian Law Monitoring of Arms Projects Intended for the Swedish Military Defence was set up in 1974 to meet the requirements of international humanitarian law concerning the effects of conventional weapons as regards suffering and indiscriminate use (mainly anti-personnel weapons). The delegation monitors planned new purchases or modifications of anti-personnel military weapons and applications of means of warfare to assess their consistency with the norms of international humanitarian law. The work of the delegation meets the requirements in Article 36 of the 1977 Additional Protocol I to the1949 Geneva Conventions.

5. On 6 June 2000, Sweden signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts.[3] Sweden strongly welcomes this international instrument, which encompasses both international human rights law and international humanitarian law and signifies an important development in the protection of children in armed conflict.

Notes

[1] A/49/255, of 15 July 1994.
[2] E/CN.4/2000/145.
[3] General Assembly resolution 54/263.